

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 04-10361-NG
)	
)	
JOHN HANDY,)	
)	
Defendant.)	

**GOVERNMENT'S MOTION TO EXCLUDE THE TIME
FROM MAY 14, 2007 THROUGH OCTOBER 9, 2007,
AND FOR AN ORDER ON EXCLUDABLE DELAY**

The United States hereby moves move, pursuant to 18 U.S.C. §3161(h)(8)(A) and Section 5(c)(1)(A) of the Plan for the Prompt Disposition of Criminal Cases of the United States District Court for the District of Massachusetts, to exclude the time within which trial must commence under 18 U.S.C. §3161(c)(1), excluding from such computation all time, commencing on May 14, 2007 and concluding on October 9, 2007.

As grounds therefor, the undersigned states that due to this Court's trial schedule in other non-related matters, the May 14, 2007 trial date in this case was postponed. In the interim, the defendant was ordered by this Court to enter into a 90-day in-patient drug treatment program. As such, the Court has this day, rescheduled the trial to begin on October 9, 2007.

The defendant is not presently in pretrial custody.

WHEREFORE, the government respectfully requests, under 18 U.S.C. §3161(h)(8)(A) and §5(c)(1)(A) of Plan for Prompt Disposition of Criminal Cases of this Court, that this Court

find, based on the above, that the ends of justice are served by granting the requested exclusion, and that said exclusion outweighs the best interest of the public and the defendant in a speedy trial, and, accordingly, exclude all time, **commencing on May 14, 2007, and concluding on October 9, 2007**, in computing the time within which trial must commence under 18 U.S.C. §3161, and request that the Court enter an Order of Excludable Delay.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:

/s/Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY
Assistant U.S. Attorney

Dated: May 23, 2007

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing document by electronic court filing:

Timothy G. Watkins, Esq.
Federal Defender Office
408 Atlantic Avenue, 3rd Floor
Boston, MA 02210

/s/Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY
Assistant U.S. Attorney

Date: May 23, 2007